

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action rejects claims 1, 24, 31, and 33 under 35 USC §103(a) as being unpatentable over SUDA et al. '060 in view of OLSEN et al. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

Applicant has amended independent claim 1 to incorporate the features of claim 2 and amended claim 24 to incorporate the features of claim 25. As neither claim 2 nor 25 is addressed by the present rejection, the rejection is necessarily moot, and reconsideration and withdrawal of such are therefore respectfully requested.

The Official Action rejects claims 2, 25, 32, and 34 under 35 USC §103(a) as being unpatentable over SUDA et al. in view of OLSEN et al., and further in view of SUDA et al. '858. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

As discussed above in connection with the previous rejection, the features of claims 2 and 5 are now incorporated into claims 1 and 24, respectively. The Official Action offers the additional SUDA et al. '858 patent for its asserted disclosure of the use of coarse focusing based on low frequencies and fine focusing based on high frequencies. While the

identified reference does consider both high and low frequency components, the low frequency components are used only to provide a baseline (denominator) for maximizing the value of the high frequency components. Accordingly, the reference necessarily fails to teach either the apparatus or method steps associated with performing a coarse focusing using only a first range of spatial frequency components of the image, and after the coarse focusing step, performing a fine focusing using only a second range of spatial frequency components of the image, with the second range being higher than the first range. This characteristic of the present invention is now recited in both independent claims 1 and 24.

As the references, considered either individually or collectively, necessarily fail to teach at least this feature, applicant respectfully suggests that the present obviousness rejection cannot be maintained.

The Official Action rejects claims 3 and 26 under 35 USC §103(a) as being unpatentable over SUDA et al. '060 in view of OLSEN et al. and SUDA et al. '858, and further in view of PETTERSSON et al. Irrespective of the ability of the PETTERSSON et al. reference to teach or suggest that for which it is offered, it does not teach or suggest the features now included in independent claims 1 and 4, as discussed in detail above. Accordingly, applicant respectfully suggests that the present obviousness rejection cannot be maintained.

The Official Action rejects claims 4-8, 17, 19-21, 23, and 30 under 35 USC §103(a) as being unpatentable over SUDA et al. '060 in view of OLSEN et al., and further in view of WILLIAMS et al. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

Among the rejected claims is claim 5, which recites the utilization of thermal properties of the object in the image as a predetermined condition for selecting the image window. It is this feature for which the WILLIAMS reference is offered. As the Official Action notes, the WILLIAMS reference teaches the use of an infrared sensor to detect differences in thermal properties. However, the reason that the WILLIAMS reference identifies thermal properties of an image is to detect forest fires. Therefore, the teachings of the WILLIAMS reference amount to identifying the hottest portion of an image for the purpose of identifying the hottest portion of the subject.

However, neither the WILLIAMS reference nor the combination of such reference with the primary references offers any teaching or suggestion whatsoever of any interrelationship between focusing steps and the identification of thermal properties of the object represented in the image. Moreover, the applicant is unaware of any other prior art which identifies any correspondence between the thermal properties of an image and the focusing characteristics for such an image. Accordingly, the combination of references necessarily fails to teach or suggest

the features of amended claim 5 or any claims that depend therefrom.

Each of the remaining rejected claims depends from either amended claim 1 or amended claim 24. The applicant notes that the additional WILLIAMS et al. reference fails to overcome the shortcomings of the SUDA et al. '060 and OLSEN et al. patents, discussed in detail above.

Applicant respectfully suggests that the present obviousness rejection cannot be maintained.

The Official Action rejects the following claims under 35 USC §103(a) as unpatentable over the identified references: claim 9 over SUDA et al. '060 in view of OLSEN et al. and further in view of SATO et al.; claim 14 over SUDA et al. '060 in view of OLSEN et al. and further in view of SUDA et al. '246; claims 15 and 16 over SUDA et al. '060 in view of OLSEN et al. and further in view of KANEDA; claim 18 over SUDA et al. '060 in view of OLSEN et al. and further in view of McINTYRE; and claim 22 over SUDA et al. '060 in view of OLSEN et al., and further in view of LEE.

In each rejection, each of the rejected claims ultimately depends from one of independent claims 1, 5, and 24, each of which is amended as described in detail above. Each of the identified additional references fails to teach or suggest the full set of features now present in each of the independent

claims. Applicant respectfully suggests that these obviousness rejections cannot be maintained.

The Official Action explicitly acknowledges that claims 10-13 and 27-29 are allowable but for their dependence from rejected base claims. However, as discussed above, applicant respectfully suggests that each of independent claims 1, 5, and 24 recites a set of features that is non-obvious over any known prior art. Accordingly, applicant respectfully suggests that all claims remaining in the application are in condition for immediate allowance, and an early indication of the same is respectfully requested.

Applicant notes that the amendments to originally independent claims 1 and 24 amount to the incorporation of features already present in claims under consideration. Accordingly, such amendment does not raise new issues or, in itself, require further search or consideration. The same is true for claim 5, which is now amended into independent form by incorporating the features of claim 1. Accordingly, applicant respectfully suggests that the present amendment does not necessitate a new search and therefore entry of this amendment after final rejection is appropriate.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

Please charge the fee of \$50 for the extra claim of any type added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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